

ENTERED

March 28, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

MARK CLIFF SCHWARZER,

Plaintiff,

V.

**DALE WAINWRIGHT;
ROBERT G. BEARD, JR.;
PAMELA R. MENDEZ-BANDA;
BRYAN COLLIER; and
JENNIFER SMITH,**

Defendants.

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Civil Action No. 6:18-CV-00034

ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

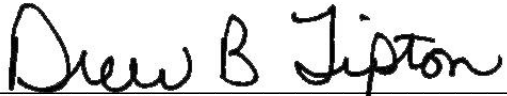
Pending before the Court is the February 18, 2022 Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Mitchel Neurock. (Dkt. No. 42). In the M&R, Magistrate Judge Neurock recommends that the Court deny *pro se* Plaintiff Mark Cliff Schwarzer’s Motion for Preliminary Injunction and Request for Declaratory Judgment. Judge Neurock carefully explained that the motion should be denied because, among other reasons, Schwarzer’s requests are untethered to his live pleading and outside of the scope of the Fifth Circuit’s remand.

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Objections were not filed. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005).

No plain error appears. Accordingly, the Court **ACCEPTS** the M&R as the opinion of the Court. The Court **DENIES** Plaintiff Mark Cliff Schwarzer's Motion for Preliminary Injunction and Request for Declaratory Judgment. (Dkt. No. 37).

It is SO ORDERED.

Signed on March 25, 2022.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE